

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

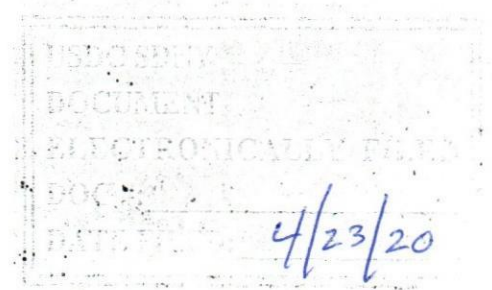
FERRING B.V., FERRING
INTERNATIONAL CENTER S.A., and
FERRING PHARMACEUTICALS INC.,

Plaintiffs and
Counter-Defendants,

-against-

SERENITY PHARMACEUTICALS, LLC,
REPRISE BIOPHARMACEUTICS, LLC,
AVADEL SPECIALTY PHARMACEUTICALS, LLC,

Defendants and
Counterclaimants.



No. 17 Civ. 9922 (CM)(SA)

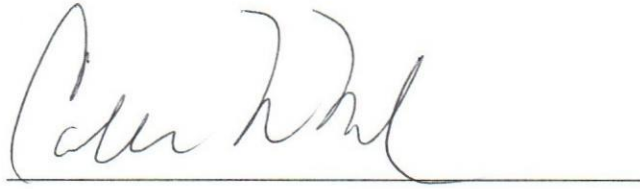
NOTICE TO COUNSEL

McMahon, C.J.:

Counsel, I have not bothered you since we adjourned this trial. However, I need to advise you that I fully intend to try this case starting May 26 – or no later than a week of two after that. This is a bench trial. I can take testimony in writing (as I usually do at bench trials) and listen to cross examination conducted remotely. Alternatively, witnesses who are located in other countries and cannot travel to court can have their depositions submitted instead – and I am sure that all the really relevant witnesses were deposed. But I need to get this case tried, and I am not prepared to wait until the world is back to normal to get it done. Bench trials are the one type of proceeding that can go forward, even during a pandemic.

Let me know how you wish to proceed. Just understand that we are going to proceed.

Dated: April 23, 2020

A handwritten signature in black ink, appearing to read "C. H. H.", is written over a horizontal line.

Chief Judge

BY ECF TO ALL COUNSEL